

## **Probation Services Task Force Outreach Delinquency and the Courts**

January 26, 2001 ✧ San Diego, California

Task Force Members/Staff: Hon. Frank Ochoa, Hon. Barbara McIver, Audrey Evje, Rubin Lopez, Elizabeth Howard, Alan Crogan, Bill Davidson, Ralph Miller, and Phil Kader

Approximate Number of Participants: 39

### **GENERAL THEMES**

- *Conditions of detainment (juvenile facilities) need to be examined*
- *Governance issues (appointment of CPO) need to be addressed; can't continue under split system*
- *Probation belongs with court (examine TCF model as approach to moving probation under court)*
- *Stature of probation needs to be increased (and needs to see greater support by court)*

### **Judge**

- ★ Need for better and more mental health services in camps
- ★ Need to improve quality of education
- ★ Need qualitative assessment of current programs
- ★ Need to develop transition services when kids leave camps that involve parents
- ★ Facilities are outdated ("anti-children") and are such that juveniles adjust to criminal treatment
- ★ Recommends separating adult and juvenile probation services
- ★ Courts should appoint CPO for juvenile and should direct the department
- ★ Sees insufficient drug treatment and lack of coordination
- ★ Criticizing SYSTEM, not PEOPLE
- ★ Prepared to work to make changes

### **Judge**

- ★ Must separate adult and juvenile probation services
- ★ CPO is difficult position due to governance relationship: funding from the county and direction from the court
- ★ Who controls the budget should control services
- ★ Keep independent/autonomy of county; makes it more flexible to local needs

### **Chief Probation Officer**

- ★ Need to underline responsibility for conditions of confinement

- ★ Need to evaluation conditions of placement/detention facilities -> never can be fixed by individual county probation departments; statewide issue that demands state focus and statewide standards

#### **Director of Children's System of Care**

- ★ Recognition that there is little in the way of resources for juvenile mental health/treatment services
- ★ Need to look to Legislature to increase funding options; make probation part of TCF

#### **Deputy Chief Probation Officer**

- ★ Bring probation under TCF, make probation employees part of "county executive" staff (now disparity in salaries, etc. following TCF between court and probation employees)
- ★ Case in Lassen County (CPO fired by PJ, settled with county for \$2.3M – issue of liability) is not valid basis for change to governance structure; need to look at that as isolated incident – concerned that this is a push for county to take over probation

#### **Assistant Mental Health Worker**

- ★ Mental health has major impact on probation departments due to placements in CPS
- ★ Developmentally disabled often slip through cracks (i.e., placement, responsibility) – especially difficult in smaller counties; if criminal petition is dismissed, the kid is shipped off to CPS (not appropriate placement)
- ★ Practice of having to pay for CYA commitments affects how the department is run; major impact on what services are paid at the local level; county now having to keep more violent children or those who have exhausted all other resources (and who formerly, pre sliding-scale fee, would have been sent to CYA)
- ★ If judges were responsible for the budget, would decisions be different (like CYA commitments??); may result in more thought going into decisions; now care for child is often secondary – decision based primarily on financial factors

#### **Probation Officer**

- ★ Structural problem – failure of advocacy; judges have allowed probation departments to atrophy, haven't permitted probation to maintain funding/stature of other agencies (i.e., welfare, social services)
- ★ 2/3 of caseload is adults; everyone is happy with adult drug courts, but all they are is old-fashioned probation
- ★ Facing landslide of impact on probation services with Prop 36
- ★ Some judges don't care if orders are enforced
- ★ Sees potential for dumptruck ... sounds like "blaming the victim"
- ★ ERAF issues: no funding to keep people out of prison

- ★ Lots of pressures on probation; judge makes orders, expect it to happen without engaging in the delivery of day-to-day operations
- ★ Huge liability exists in banked caseload
- ★ CAOs have same problem with elected officials (as with CPOs) – responsibility for department, but no authority over who is elected as department head; not sure of “fixing” the appointment system will help anything
- ★ Sees juvenile as ward of court, CPO as officer of court; following logic, probation should reside where it belongs (with court)

#### **Chief Probation Officer**

- ★ Appreciative of work of task force; that is widely shared among colleagues; be sure to distribute among other responsible agencies (courts, counties)
- ★ Good to see recognition of abandonment of CPO – have crashed other funding streams (e.g., TANF) – need to address lack of resources for adults (which don’t exist except for drug courts, DV courts, etc.)
- ★ Big fear that when price tag of probation is realized, hope all work of task force is not lost; all other services will be affected; mental health, social services, etc. ... all are facing funding difficulties
- ★ Would advocate for greater integration of adult/juvenile probation services (doesn’t agree that two departments should be separated) – better equipped to address intergenerational cycles of crime if departments are integrated
- ★ Institutions are significant time bombs ... unsafe for kids
- ★ Need to look at cost of operation, construction is expensive but may be worth it — shouldn’t have to worry about financial aspects of placement decisions
- ★ Especially concerned about group home industry

#### **Probation Manager – Juvenile Division**

- ★ What probation needs to improve status is TV series?
- ★ In their county, suffer from “down the hill” problem where they train employees who then leave to move down hill to Placer, then Sacramento county for better \$\$
- ★ Issue of safety retirement – major concern as there are disparities across county lines
- ★ Interstate compact – lots of kids from other states (especially Nevada); if adjudicated in California, but child lives in Nevada, they can’t transfer wardship to another state, but also can’t provide any supervision
- ★ Desperate need for therapy, but bureaucracy (paperwork, etc) burdens service providers
- ★ Need to streamline system, not getting resources delivered

#### **Probation Officer**

- ★ Please solve problem of having to serve two masters – needs independence of TCF models, supports this but would require judges to stand behind probation

- ★ Would like to see judges' support when probation goes before BOS
- ★ Infrastructure/institutions has to be part of this process – wrong that probation is left with scraps (e.g., situation where probation is taking over old jail while sheriff gets new, \$50M jail)

### **Juvenile Court Judge**

- ★ Probation services work – but can't expect it unless there are manageable caseloads
- ★ Overcrowding problem – Santa Cruz took care of it through Annie E. Casey study
- ★ At-home/community programs need to be developed, with focus on proven programs
- ★ Judges have to support CPO
- ★ Need to elevate public's perception of probation; now viewed as soft on crime ("Oh, he only got probation")
- ★ Judges should appoint chief; would make less political – "neutral" arm of the court

### **Chief Probation Officer**

- ★ Major task ahead of task force
- ★ As TCF is perfected, tension between court and county will increase and CPO will be thrust further into tense, stressful situation
- ★ Liability – independently elected officials have resulted in enormous settlements; don't let CPO settlement in Lassen County drive decision
- ★ Appointment of CPO started out as catalyst, going beyond operation of system, means revision of law; appears to be larger task than was original envisioned and may require a more long-term examination; don't let other stuff "dangle," just do CPO
- ★ One option is name change for probation to change negative connotation: e.g., "community corrections," but there are other options